

Dec 22, 2017

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUSTIN HARTER,

Plaintiff,

v.

MEGAN J. BRENNAN, Postmaster
General,

Defendants.

No. 2:16-CV-00438-SMJ


ORDER DISMISSING COUNT 3

On December 22, 2017, the parties filed a Stipulation to Dismiss Count 3 (Plaintiff's prohibited practices claim), ECF No. 39. Consistent with the parties' agreement and Federal Rule of Civil Procedure 41(a), **IT IS HEREBY ORDERED:**

1. The parties' Stipulation to Dismiss Count 3, **ECF No. 39**, is **GRANTED**.
2. Count 3 of Plaintiff's First Amended Complaint, **ECF No. 19 at 11**, ¶ 4.3, is **DISMISSED WITH PREJUDICE**, with all parties to bear their own costs and attorneys' fees.
3. Defendant's pending Motion for Partial Summary Judgment on Prohibited Practices Claim, **ECF No. 36**, is **DENIED AS MOOT**.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 22nd day of December 2017.


SALVADOR MENDOLA, JR.
United States District Judge